IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D. APPA RAO

WRIT PETITION NO. 6502 OF 2007

Dated : April 05, 2007

Between:

K.Laxmaiah

Petitioner

AND

The Station House Officer,
Nacharam Police Station, Nacharam,
Rangareddy and another.

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

WRIT PETITION NO. 6502 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.APPA RAO)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This is a taken up writ petition on the basis of a telegram dated 10.03.2007 issued by one K. Laxmaiah alleging that his son by name K.Nagaraju along with one Mr. Anjaneyulu, were illegally taken away by the Nacharam Police at 7.00 a.m. on 10.03.2007 and he is apprehending danger to their lives.

3. The Inspector of Police, Nacharam Police Station, Cyberabad, filed counter affidavit inter alia stating that the petitioner filed Writ Petition No. 5296 of 2007 earlier, on the very same allegations, wherein the police have categorically denied that the alleged detenues were taken illegally and, in fact, in a case registered in Cr. No. 20 of 2007 for the offence under Sec. 307 I.P.C. which was subsequently altered to Sec. 302 IPC, the alleged detenues were called and interrogated and their statements were recorded on 27.1.2007, 19.1.2007, 28.2.2007 and 2.3.2007 and were sent away. In fact, the earlier Writ Petition No. 5296 of 2007 filed by the petitioner for the same relief was dismissed on 29.3.2007, on merits. Therefore, we do not see any reason whatsoever to entertain this writ petition. That apart, it is submitted by the

Inspector of police that the alleged detenues were not arrested muchless detained by them, at any point of time.

4. In the light of these revelations made in the counter affidavit and also in view of the fact that earlier writ petition filed for the self-same relief was dismissed, on merits, we do not see any ground whatsoever to issue any direction in this writ petition, to the police. Consequently, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.Varma, J.

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D.Appa Rao, J.

April 05, 2007
MAS